

Wells Fargo Guard Services, a Division of Baker Protective Services, Inc. and United Security Guard Guild. Case 22-CA-9502

March 19, 1982

SUPPLEMENTAL DECISION AND ORDER

BY MEMBERS FANNING, JENKINS, AND HUNTER

On September 9, 1980, the National Labor Relations Board issued a Decision and Order in Case 22-CA-9502¹ in which it found that the Respondent violated Section 8(a)(5) and (1) of the National Labor Relations Act, as amended, by refusing to bargain with the Union, which had been certified by the Board on July 20, 1979, in Case 22-RC-7744, following a second election in a unit of all full-time and regular part-time security guards employed at the Respondent's Lawrenceville, New Jersey, office but excluding all office clerical employees, casual employees, managerial employees, professional employees, field inspectors and all other supervisors as defined in the Act. Subsequently, the Respondent filed with the United States Court of Appeals for the Third Circuit a petition for review of the Board's Order; and upon a cross-application the National Labor Relations Board sought enforcement of its Order.

Thereafter, on September 15, 1981, the court denied enforcement and remanded the matter for

an evidentiary hearing on the Respondent's Objection 2 to the second election.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board, having duly considered the matter, has decided to accept the court remand as the law of the case.

ORDER

It is hereby ordered that the record in the above-entitled proceeding be, and it hereby is, reopened, and that a full hearing be held, consistent with the remand of the court, and that such hearing shall be held before an administrative law judge.

IT IS FURTHER ORDERED that this proceeding be, and it hereby is, remanded to the Regional Director for Region 22 for the purpose of arranging such hearing, and that the said Regional Director be, and he hereby is, authorized to issue notice thereof.

IT IS FURTHER ORDERED that, upon the conclusion of such hearing, the administrative law judge shall prepare and serve on the parties a supplemental decision containing findings of fact based upon the evidence received pursuant to the provisions of this Order, conclusions of law, and recommendations; and that following the service of such supplemental decision on the parties, the provisions of Section 102.46 of the Board's Rules and Regulations, Series 8, as amended, shall be applicable.

¹ 252 NLRB 55.